

COMBINED DECLARATION AND POWER OF ATTORNEY IN ORIGINAL APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name,

I believe that I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Sprayable Composition and Method for Forming a Foamed Outdoor Protective Cover Layer,

the specification of which:

(check one)        is attached hereto.

  X   was filed on July 23, 1996 as  
application Serial No. 08/685,202  
and was amended on July 23, 1996.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent Office information known by me to be material to the patentability of this invention as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose to the Patent Office information known by me to be material to the patentability of this invention as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

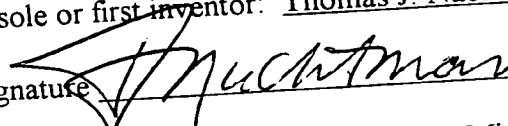
<u>08/353,954</u> (Application Serial No.)	<u>12/12/94</u> (Filing Date)	<u>patented</u> (patented, pending, abandoned)
<u>08/003,633</u> (Application Serial No.)	<u>1/13/93</u> (Filing Date)	<u>abandoned</u> (patented, pending, abandoned)
<u>07/823,186</u> (Application Serial No.)	<u>1/21/92</u> (Filing Date)	<u>abandoned</u> (patented, pending, abandoned)
<u>07/639,285</u> (Application Serial No.)	<u>1/10/91</u> (Filing Date)	<u>patented</u> (patented, pending, abandoned)
<u>07/350,599</u> (Application Serial No.)	<u>5/10/89</u> (Filing Date)	<u>abandoned</u> (patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith with full power of substitution and revocation: Richard S. MacMillan, Reg. No. 30,085; Mark J. Sobanski, Reg. No. 29,700; Oliver E. Todd, Jr., Reg. No. 24,746; Ted C. Gillespie, Reg. No. 27,981; A. Michael Tucker, Reg. No. 32,539; Gary M. Sutter, Reg. No. 31,574; John B. Molnar, Reg. No. 31,914; Douglas V. Pavelko, Reg. No. 36,888; and Allen W. Inks, Reg. No. 37,358. Address all telephone calls to Gary M. Sutter at (419) 255-5900. Address all correspondence to MACMILLAN, SOBANSKI & TODD, One Maritime Plaza, Fourth Floor, 720 Water Street, Toledo, Ohio 43604.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: Thomas J. Nachtman

Inventor's signature



Date

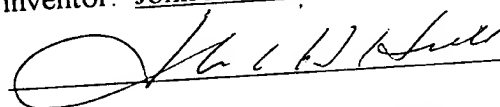
11/11/96

Residence: 8119 Comanche Trail, Temperance, Michigan 48182

Citizenship: U.S. Post Office Address: same as residence

Full name of second inventor: John H. Hull

Inventor's signature



Date

11/11/96

Residence: 3554 Edgevale Road, Toledo, Ohio 43606

Citizenship: U.S. Post Office Address: same as residence

Full name of third inventor: Patrick O'Shea

Inventor's signature

OMITTED INVENTOR - COMPLETED ON NEXT PAGE Date \_\_\_\_\_

Residence: 7405 Buckman Rd., Hanover, Michigan 49241

Citizenship: U.S. Post Office Address: same as residence

Applicant or Patentee: Tho J. Nachtman, John H. Hull, an Patrick O'Shea

Serial or Patent No.: \_\_\_\_\_

Filed or Issued: \_\_\_\_\_

For: SPRAYABLE COMPOSITION AND METHOD FOR FORMING A FOAMED OUTDOOR PROTECTIVE COVER LAYER

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27(c) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN New Waste Concepts, Inc.

ADDRESS OF CONCERN 7401 Fremont Pike, Perrysburg, Ohio 43552, U.S.A.

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that the rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled SPRAYABLE COMPOSITION AND METHOD FOR FORMING A FOAMED OUTDOOR PROTECTIVE COVER LAYER by inventor(s) Thomas J. Nachtman, John H. Hull and Patrick O'Shea described in

- ☒ the specification filed herewith  
☐ application Serial No. \_\_\_\_\_, filed \_\_\_\_\_  
☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a non-profit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME \_\_\_\_\_

ADDRESS ☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NON-PROFIT ORGANIZATION

NAME \_\_\_\_\_

ADDRESS ☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NON-PROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Thomas J. Nachtman

TITLE OF PERSON OTHER THAN OWNER President

ADDRESS OF PERSON SIGNING 8119 Comanche Trail, Temperance, Michigan 48182

SIGNATURE J. Nachtman DATE 7/24/96 7/23/96